

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, LP

Defendants.

ENBRIDGE ENERGY, LP

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE
SUPERIOR TRIBE OF CHIPPEWA INDIANS
OF THE BAD RIVER RESERVATION and
NAOMI TILLISON, in her official capacity

Counter-Defendants.

Case No. 3:19-cv-00602

Judge William M. Conley
Magistrate Judge Stephen Crocker

**DECLARATION OF SUPERIOR IN SUPPORT OF ENBRIDGE'S OPPOSITION TO
MOTION FOR INJUNCTION**

I, Shawn Vammen, have personal knowledge of the following and make this declaration in support of Enbridge Energy, Limited Partnership's ("Enbridge") opposition to Plaintiff's motion for injunction:

1. The corporate head office address is 200 Wellington Street West, Suite 401, Toronto, Ontario, Canada M5V 3C7. My current position is Senior Vice President, Superior Gas Liquids ("Superior").

2. In the role of Senior Vice President, I am responsible for the procurement of propane supply and the delivery of that supply to our internal and external customers throughout North America.

3. Superior is a distributor of propane to numerous consumers and businesses in both Canada and the United States. Superior is headquartered in Toronto, Ontario and has more than 4,000 employees engaged in the propane distribution business in Canada and the U.S. We are a publicly traded entity on the Toronto stock exchange (SPB.TSX).

4. Superior is extremely concerned by the Bad River Band's ("Band") motion that requests that this Court enjoin the operation of Line 5 on an emergency basis. We believe that any shutdown of Line 5, and the subsequent curtailment of propane supply to receipt points on Line 5, will significantly impact the propane industry and its customers, both in Canada and the United States.

Case: 5:18-cv-00208-MLE Document #: 1 Filed: 06/13/18 Page 3 of 3 Superior relies on the propane supply that is delivered via Line 5 to Plains' fractionation facilities in Rapid River, Michigan and Sarnia, Ontario. That propane supply is used to service many customers in Michigan, New York, the New England states, and most of the Eastern Canadian provinces. The propane delivered by Line 5 is used to heat homes,

Indigenous communities, businesses, schools and hospitals, and is also relied upon by many industries to produce goods for consumers.

6. A shut down of Line 5 would result in higher propane prices for Canadian and US customers. It also creates a risk of many residents and essential services not having the fuel they need to heat their homes and run their business.

7. The Enbridge Line 5 pipeline is a secure and cost-effective way of moving the large volume of propane required by the Eastern states and provinces; there is currently not enough infrastructure capacity to provide an effective and reliable alternative supply method (i.e. railroads or trucks) to meet the needs of customers. Nor can the incremental infrastructure be constructed quickly enough to avoid putting Superior propane customers into a position of dramatically higher propane prices and/or the risk of shortages of supply during the peak winter months.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on this 12 day of May, 2023.



Shawn Vammen